

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-and-

**ORDER**

**07-CV-2067 (NGG) (RLM)**

THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, and RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*;

ROGER GREGG, MARCUS HAYWOOD, and KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated*; and

CANDIDO NUÑEZ and KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated*,

Plaintiff-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

The court has received and reviewed the Court Monitor's letter dated December 20, 2011, as well as the letters of the City of New York and counsel for the Vulcan Society dated December 12, 2011, respecting the Plaintiff-Intervenor's proposal to have members of the Vulcan Society visit the homes of black entry-level firefighter candidates for follow-up. (See Docket Entry # 782.) After considering the comments of the parties and the Monitor's recommendation, the court concludes that the Monitor's recommendation provides a prudent

short-term approach to be reassessed after a three-week trial period. The court made particular note of the City's concern about potential liability, and concurs with the Monitor's view that the incremental risk, if any, is outweighed by the likely benefit of promoting diversity in the ranks of the Fire Department. (See id. at 5.) The Monitor's recommendation is approved.

SO ORDERED.

Dated: Brooklyn, New York  
December 21, 2011

/s/ Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge